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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 09/594,586 | 06/15/2000 | Joseph M. Cannon | Cannon 102-91-49 | 9026 |
| 32498 | 7590 | 05/15/2008 | | |
| CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC P.O. BOX 1995 VIENNA, VA 22183 | | | EXAMINER MILORD, MARCEAU | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2618 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 05/15/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/594,586 | Applicant(s) CANNON ET AL. | |
| | Examiner Marceau Milord | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al (US Patent No 6085098) in view of Griffith et al (US Patent No 5812953).

Regarding claims 1 and 5, Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4) comprising: displaying wireless device settings (22 of fig. 2, 47 of fig. 4; col. 19, lines 15-43; col. 3, line 42- col. 4, line 18; col. 4, lines 21-64; col. 5, lines 15-63).

However, Moon et al does not specifically disclose the step of transmitting selected wireless device settings to a wireless service provider.

On the other hand, Griffith et al, from the same field of endeavor, discloses an apparatus for activating a cellular telephone within a cellular telecommunications network. A PCMCIA card interacts with a controller to display required programming information and questions. A user of the cellular telephone inputs responses to questions on a display. The user responses are

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transmitted to a system administrator at a customer activation center via a mobile telephone switching office in the cellular telecommunications network. The system administrator provides any necessary information for activating the cellular telephone. Information for the user may be shown on either the display of the cellular telephone or on a display of the personal computer. The user may input information and responses to questions via a user input device provided as part of the display or as part of the personal computer. User input is provided to the cellular telephone to activate and program the cellular telephone for operation on the cellular telecommunications network (col. 4, lines 11-31; col. 6, line 6, line 40-col. 7, line 27; col. 10, lines 6-24; col. 12, lines 31-67). It is clearly stated that the information is transmitted to a wireless service provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Griffith to the communication system of Moon in order to guide a user through applying for service, programming and activation of the cellular telephone.

Regarding claim 2, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), comprising transmitting the substantially same settings to a wireless device (col. 4, lines 5-56).

Regarding claim 3, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the wireless device comprises a cellular telephone (col. 6, lines 6-19).

Regarding claim 4, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the wireless device comprises a cordless telephone (col. 3, lines 6-19; col. 4, lines 5-18).

Regarding claim 6, Moon et al discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein displaying comprises displaying the settings within an e-mail menu (col. 4, lines 13-56; col. 6, lines 14-30).

Regarding claim 7, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein displaying comprises displaying the settings within a PDA menu (col. 3, lines 26-57).

Regarding claim 8, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein displaying comprises displaying the settings within a wireless device menu (col. 4, lines col. 5, lines 24-53).

Regarding claim 9, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein transmitting comprises transmitting the selected settings according to a schedule (col. 5, lines 6-53).

Regarding claim 10, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein transmitting comprises repeatedly transmitting the selected settings until the wireless device receives the transmission (col. 5, lines 16-53).

Regarding claim 11, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings are transmitted to a wireless device identified by a wireless device communications number (col. 5, line 24- col. 6, line 18).

Regarding claim 12, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the communications number comprises a telephone number (col. 5, line 24- col. 6, line 30).

Regarding claim 13, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise an existing configuration (col. 4, lines 19-56; col. 5, line 6- col. 6, line 30).

Regarding claim 14, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise a new configuration (col. 4, lines 19-56; col. 5, line 6- col. 6, line 30).

Regarding claim 15, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise cellular telephone settings (col. 6, lines 6-19).

Regarding claim 16, Moon et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise cordless telephone settings (col. 3, lines 6-19; col. 4, lines 5-18).

Regarding claims 17 and 21, Moon et al discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), comprising: a configuration interface adapted to display wireless device settings (22 of fig. 2, 47 of fig. 4; col. 19, lines 15-43; col. 3, line 42- col. 4, line 18); col. 4, lines 21-64; col. 5, lines 15-63).

However, Moon et al does not specifically disclose the step of transmitting selected wireless device settings to a wireless service provider.

On the other hand, Griffith et al, from the same field of endeavor, discloses an apparatus for activating a cellular telephone within a cellular telecommunications network. A PCMCIA card interacts with a controller to display required programming information and questions. A user of the cellular telephone inputs responses to questions on a display. The user responses are transmitted to a system administrator at a customer activation center via a mobile telephone switching office in the cellular telecommunications network. The system administrator provides any necessary information for activating the cellular telephone. Information for the user may be shown on either the display of the cellular telephone or on a display of the personal computer. The user may input information and responses to questions via a user input device provided as part of the display or as part of the personal computer. User input is provided to the cellular telephone to activate and program the cellular telephone for operation on the cellular telecommunications network (col. 4, lines 11-31; col. 6, line 6, line 40-col. 7, line 27; col. 10, lines 6-24; col. 12, lines 31-67). It is clearly stated that the information is transmitted to a wireless service provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Griffith to the communication system of Moon in order to guide a user through applying for service, programming and activation of the cellular telephone.

Regarding claim 18, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), comprising a wireless service provider adapted to transmit substantially the same selected settings to a wireless device (col. 4, lines 5-56).

Regarding claim 19, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the wireless device comprises a cellular telephone (col. 6, lines 6-19).

Regarding claim 20, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the wireless device comprises a cordless telephone (col. 3, lines 6-19; col. 4, lines 5-18).

Regarding claim 22, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the interface is adapted to display the settings within an e-mail menu (col. 4, lines 13-56; col. 6, lines 14-30).

Regarding claim 23, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the interface is adapted to display the settings within a PDA menu (col. 3, lines 26-57).

Regarding claim 24, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the interface is adapted to display the settings within a wireless device menu (col. 4, lines col. 5, lines 24-53).

Regarding claim 25, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the provider is adapted to transmit the selected settings according to a schedule (col. 5, lines 6-53).

Regarding claim 26, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the provider is adapted to repeatedly transmit the selected settings until the wireless device receives the transmission (col. 5, lines 16-53).

Regarding claim 27, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the provider is adapted to transmit the selected settings to the wireless device upon receiving a wireless device communications number which identifies the wireless device (col. 4, lines 5-56).

Regarding claim 28, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the communications number comprises a telephone number (col. 5, line 24- col. 6, line 30).

Regarding claim 29, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise an existing configuration (col. 4, lines 19-56; col. 5, line 6- col. 6, line 30).

Regarding claim 30, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise a new configuration (col. 4, lines 19-56; col. 5, line 6- col. 6, line 30).

Regarding claim 31, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise cellular telephone settings (col. 6, lines 6-19).

Regarding claim 32, Moon et al as modified discloses a Moon et al discloses a system for configuring a wireless device (figs. 1-2, fig. 4), wherein the selected settings comprise cordless telephone settings (col. 3, lines 6-19; col. 4, lines 5-18).

Response to Arguments

3. Applicant's arguments filed on 1-9-2008 have been fully considered but they are not persuasive.

Applicant's representative argues that Moon and Griffith fail to teach the features of accessing an internet protocol based network; displaying settings of a separate wireless device; and transmitting settings to a wireless service provider via the IP-based network.

However, Moon discloses a method for configuring settings for a software application in a communication device. This communication device can be connected to internet. This means that this system must use internet protocol to exchange information (col. 1, line 61-col. 2, line 6). In addition, the settings of such software application are automatically configured. Furthermore, the software application can obtain information from a database and through an internet address via a specialized information server (fig. 5; col. 5, line 38-col. 6, line 30). It is considered that this system can access an internet protocol based network. It is clearly stated that this technique can be applied to cellular phone.

Griffith also shows in figure 4, a cellular telephone that is connected to a personal computer. The personal computer and the cellular phone could be via a local area network accessing internet protocol based network (col. 13, lines 26-47). Questions and information are read by the personal computer from the PCMCIA card and are provided to the user on display. The user responds to questions and information for programming the cellular telephone with user input device. User input device may be incorporated into the display as a touch sensitive screen. This technique is used in figure 5, where the program is stored in the PCMCIA card and is executed by the cellular telephone (fig. 3, fig. 5; col. 9, line 62-col. 10, line 65). It is considered that Griffith teaches the steps of displaying settings of a separate wireless device; and transmitting selected settings to a wireless service provider via the IP-based network.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./

Primary Examiner, Art Unit 2618

/Marceau Milord/

Primary Examiner, Art Unit 2618